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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,958	10/30/2003	James Patrick Clinch	140/40303A	8485

279 7590 06/15/2005

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EXAMINER

MITCHELL, KATHERINE W

ART UNIT PAPER NUMBER

3677

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,958

Applicant(s)

CLINCH ET AL.

Examiner

Katherine W. Mitchell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/28/04 (3/17/05).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 9-20,24-26,33,40-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,21,27-31,34-38 and 43 is/are rejected.
- 7) ☒ Claim(s) 4-8,22,32 and 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/30/2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/21/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. Examiner notes that a Terminal Disclaimer over USP 6692206 has been filed to obviate obvious double patenting.

Election/Restrictions

2. Applicant's election without traverse of claims 1-5,8,21-22,27-32,34-39, and 43 in the reply filed on 9/23/2004 is acknowledged. Examiner has rejoined claims 6,7, and 23 already – see action below.

Rule 105 Request

3. The scope of 37 CFR 1.105 is extended to any assignee because the information required may be known to some members of the assignee even if not known by the inventors.

The authority for the Office to make such requirements arises from the statutory requirements of examination pursuant to 35 U.S.C. 131 and 132. An examiner or other Office employee may make a requirement for information reasonably necessary to the examination or treatment of a matter in accordance with the policies and practices set forth by the Director(s) of the Technology Center or other administrative unit to which that examiner or other Office employee reports.

Examiner is requesting any written descriptions or catalogues, prepared by any of the inventors or assignees, of goods or services in competition with the goods or services the claimed subject matter has been embodied in. Specifically, examiner found, in an internet search, that assignee's 2000 Annual Report stated that assignee's Sükosim division in Europe had introduced some innovative cage nuts that will be brought to North American customers. Therefore, examiner requests any printed documentation assignee has concerning any such

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cage nuts introduced by Sükosim, including structural details or drawings to determine if the structure reads on the pending claims. The citation found was from page 12 of the 2000

Textron Annual report as copied below:

We also develop proprietary technologies that bring cost savings to our customers. Textron's Sükosim – a strong brand in the European automotive marketplace – has master-minded an innovative cage nut that allows for greater flexibility and better fit and finish during the auto assembly process. We are now bringing this technology to our customers in North America

Specification

4. The disclosure is objected to because of the following informalities:

Page 1, the priority should reflect the issued patent number

Page11, line 23, second embodiment is actually the third embodiment..

Appropriate correction is required.

Drawings

5. The drawings are objected to because Figs 8 and 8 are rotated 180 degrees, so the top of one should be at the bottom in the other. However, surface 322 is shown at the top of both figures, and 320 is shown at the bottom. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement

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sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 21, 27-31, 34-38, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Crowther USP 2716434. First, examiner notes that intended use and functional descriptions are not limitations, and the reference needs only to be capable of performing that function.

Re claims 1, 21, and 43: Crowther teaches a cage member (Fig 1, #40) engageable with a nut having a threaded aperture (#48, integral with cage), said cage member capable of engaging the nut (Fig 3 or 6) and having an aperture to allow access to the threaded nut (Fig 1-8), said body having a base portion (42) and 1st (60) and 2nd arms (44 and 46 are considered the 2nd arm) extending from said base, and a seam defined between 1st and 2nd arms (see below), at least one of said arm portions having at least one protrusion (62 protrudes from arm 60) capable of being welded to a

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mating surface, said seam capable of being provided proximate to a mating surface.

Clearly the seam is capable of being near an (unclaimed) mating surface, and the protrusion is capable of being welded to a mating surface. The seam is weldable - both parts are metal.

seam (sēm) noun

1. a. A line of junction formed by sewing together two pieces of material along their margins. b. A similar line, ridge, or groove made by fitting, joining, or lapping together two sections along their edges. c. A suture. d. A scar.

2. A line across a surface, as a crack, fissure, or wrinkle.¹

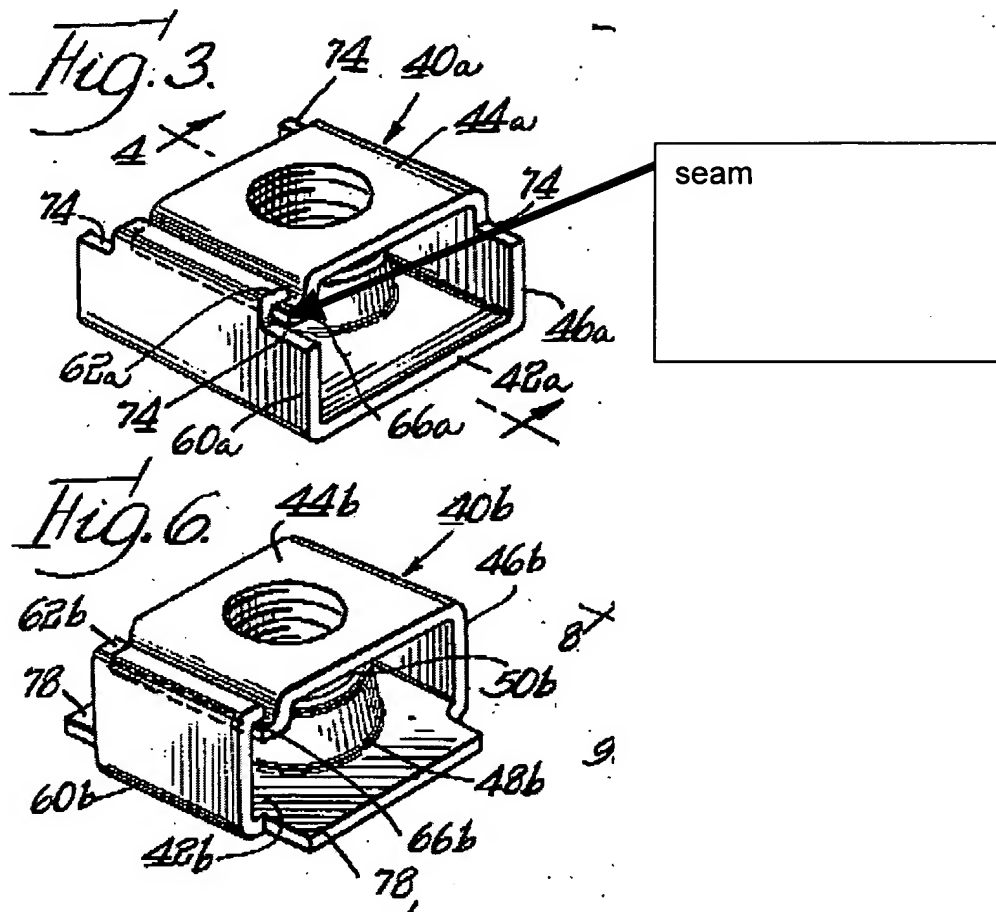
Further Re claim 43: The body protrusion is extension (78) in Fig 6, which is capable of being welded to a mating surface.

Further Re claim 21: The nut member is shown as (48)

Re claim 2: The protrusion is proximate the seam.

Re claim 3: Since the cage member could be welded onto a mating surface parallel to and adjacent surface 44, the 1st and 2nd arm define a lower surface of the cage facing the mating surface and the protrusion protrudes from the lower surface.

¹Excerpted from *The American Heritage Dictionary of the English Language, Third Edition* Copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from Lernout & Hauspie Speech Products N.V., further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.



Re claims 27-31, 34 -38: Extensions 78 are configured to be capable of moving in a first direction to encage the nut member – see Fig 6. If one wished to remove the nut member, the extension could be moved in a second direction to allow nut removal. Two integral flanges are shown in Fig 6 extending from the base portion 42.

Allowable Subject Matter

8. Claims 4-8, 22, 32, 39 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Note that 6,7, and 23 are rejoined and allowable over the prior art as well, since if one protrusion is allowed, more than one would also be allowed, and examiner cannot see a burden in these claims.

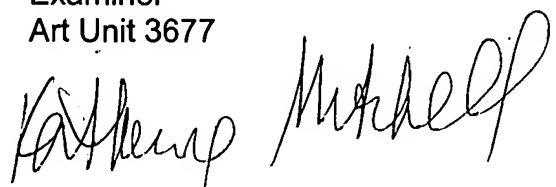
Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
10. Examiner appreciates applicant's resubmission of the documents which were misplaced by the USPTO, and apologizes for the inconvenience.
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine W. Mitchell whose telephone number is 571-272-7069. The examiner can normally be reached on Mon - Thurs 10 AM - 8 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Katherine W Mitchell
Examiner
Art Unit 3677



Kwm
6/9/2005